

DEPARTMENT OF STATE POLICE
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
JUSTICE TRAINING FUND PROGRAMS

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan Commission on Law Enforcement Standards by section 3 of 1982 PA 302, by section 9 of 1965 PA 380, and by Executive Reorganization Order 2001-2, MCL 18.423, 16.109, and 28.621.)

R 18.14901, R 18.14902, R 18.14903, R 18.14904, R 18.14905, R 18.14906, R 18.14907, R 18.14908, R 18.14909, and R 18.14910, are added to the Michigan Administrative Code as follows:

R 18.451 Rescinded.

R 18.452 Rescinded.

R 18.452a Rescinded.

R 18.453 Rescinded.

R 18.454 Rescinded.

R 18.455 Rescinded.

R 18.455a Rescinded.

R 18.456 Rescinded.

R 18.457 Rescinded.

R 18.458 Rescinded.

R 18.459 Rescinded.

September 19, 2005

R 18.460 Rescinded.

R 18.461 Rescinded.

R 18.462 Rescinded.

R 18.14901 Definitions.

Rule 901. (1) As used in these rules:

- (a) "Act" means 1982 PA 302, MCL 18.421.
- (b) "Commission" means the Michigan commission on law enforcement standards.
- (c) "Equipment" means an item of personal property of major value as established by the commission, which has a useful life of more than 1 year, which is used in direct in-service criminal justice training, and which is not a fixed part of a building or structure.
- (d) "Officer cutoff" means the number of Michigan commission on law enforcement standards licensed full-time equated officers established by the commission, below which an eligible entity shall receive the minimum distribution under the provisions of section 3(a) of the act.
- (2) "Distribution" as used in section 3(a) of the act and these rules, means the 2 semiannual payments made from the fund to eligible entities.
- (3) Terms defined in the act have the same meanings when used in these rules.

R 18.14902 Distribution of 60% of fund.

Rule 902. (1) The commission shall make distributions of 60% of the fund based upon the amount in the fund as of March 31 and September 30.

(2) The commission shall conduct an annual registration of MCOLES licensed law enforcement officers to determine the per capita basis for the distribution. The registration shall include each eligible entity designated in section 3(a) of the act. Each eligible entity shall verify the identity and status of each licensed officer and report the number of paid hours actually worked by each full-time and part-time commission licensed officer during the eligible entity's most recent complete calendar year. The verification of employed commission licensed officers shall be made on a form or in a manner prescribed by the commission and completed by the published due date. An eligible entity that does not comply with the submission requirements of this rule shall not be eligible for funding for the pending distribution year.

(3) Payments shall be determined in the following manner:

(a) Payments to eligible entities receiving a minimum distribution shall be calculated first and deducted from the available revenue.

(b) Payments to eligible entities receiving a per capita distribution shall be calculated from the balance of the 60% funds using the total number of FTEs from the eligible entities as determined under the provisions of section 3(a) of the act.

(4) The eligible entity shall affirmatively verify on the application compliance with the provisions of the act and rules, including the prohibition against supplanting. The commission may deny 1 or both payments to an eligible entity during a distribution year based upon the eligible entity's compliance with the provisions of section 3(a) of the act and these rules.

R 18.14903 Law enforcement distribution funds; restrictions.

Rule 903. Funds distributed under the authority of section 3(a) of the act shall be expended only for direct costs of in-service criminal justice training of commission licensed law enforcement officers. Only the following expenses are allowable, unless otherwise restricted by the commission:

- (a) The hourly salaries of instructors for the actual time spent preparing and presenting training, subject to the supplanting restrictions of the act.
- (b) The actual cost of purchasing or leasing training materials used to assist trainees in understanding in-service training topics. The cost may include either the purchase price or salaries and materials expended in creating training materials.
- (c) The reasonable rental cost or the purchase price of equipment used during in-service training; however, expenditures for purchase shall not be more than a total of 10% of the funds received in any year nor may any single item be more than \$5,000.00, without the prior approval of the commission.
- (d) Reasonable rental costs for the use of training facilities for in-service training, if facilities owned or occupied by an eligible entity are either not available or are inappropriate.
- (e) A flat rate or tuition paid to a contractual training provider hired by an eligible entity. The payment shall be in compliance with policies established by the commission.
- (f) Compact disks (CDs), digital versatile disks (DVDs), videotapes, web-based programs or other such instructional media that are based upon passive or interactive learning.
- (g) Automated firearms training systems that simulate deadly force decision-making circumstances.
- (h) Training outside Michigan or training provided by a vendor from outside Michigan, if the recipient has determined that similar training is not available in Michigan or that a Michigan vendor is not available. If an eligible entity chooses to use out-of-state training or an out-of-state vendor, then the entity shall request authorization from the commission, in writing, in advance, and in a manner prescribed by the commission.
- (i) The commission may establish reasonable caps on allowable costs.

R 18.14904 Accounting and audit requirements; sanctions for noncompliance.

Rule 904. A recipient of funds under section 3(a) or (b) of the act shall comply with the following accounting and audit requirements:

- (a) Account for justice training fund revenues and expenditures separate from other funding sources.
- (b) Maintain records documenting financial transactions and program activities according to generally accepted accounting principles, permit program and fiscal inspections, and cooperate with any audit required or authorized by the commission.
- (c) The commission may conduct an audit, at will, of justice training fund revenues and expenditures of any agency receiving justice training funds. The commission shall pay for the audit.
- (d) If the commission determines that justice training funds were not spent in compliance with commission requirements, then the recipient agency shall be ineligible to receive commission funds until the commission is satisfied that the recipient agency complies with commission requirements.

R 18.14905 Distribution of fund balance through competitive grant process.

Rule 905. (1) The commission shall annually make a distribution of the balance of the fund to state and local agencies pursuant to the provisions of section 3(b) of the act.

(2) Agencies shall submit applications for grant funding to the commission on the forms and in the manner prescribed by the commission. The completed application shall contain all of the required information.

(3) Application forms, requirements, instructions, and a timetable for submission are available at the Michigan Commission on Law Enforcement Standards, 7426 North Canal Road, Lansing, Michigan 48913.

(4) A grantee may request a time extension of a grant contract. The extension may not be more than 1 year beyond the end date of the initial contract. At the conclusion of a contract, a grantee shall return any unexpended balances to the Michigan justice training fund or the balance of the obligated funds shall be liquidated for future distribution in accordance with the purposes described in section 3(b) of the act.

(5) A grantee shall notify the commission in writing of funded training programs before the program begins. A grantee shall permit commission members or staff to monitor training programs without charge to the commission.

R 18.14906 Restrictions on grant funds.

Rule 906. (1) Funds distributed under the provisions of section 3(b) of the act are restricted as follows:

(a) Funds may be expended for any of the following:

(i) The purchase or lease of training materials or equipment that is used exclusively for the direct delivery of in-service training.

(ii) Instructional preparation and development time and compensation as established by the commission.

(iii) Salaries of instructors or developers employed by the grant recipient at the instructor's or developer's regular hourly personnel rate.

(iv) Out-of-state travel for training or an out-of-state vendor presenting in Michigan with the prior approval of the commission. An out-of-state vendor shall be registered with the commission before the expenditure of grant funds.

(v) Consultant fees at an hourly rate established by the commission.

(b) Funds shall not be expended for any of the following:

(i) Duplication of compensation to instructors or staff.

(ii) Consultant fees for travel time.

(iii) A consultant to act as an on-site coordinator.

(iv) Overhead or operating costs as a percentage of the total grant request.

(v) A request that is for 100% equipment acquisition.

(vi) Construction of a firearms range or for the purchase of a firearm training system that simulates deadly force decision-making circumstances.

(2) The commission may approve a multiyear training project conceptually if an extended time frame is determined by the commission to be appropriate. However, the grant applicant shall annually compete for funding and a multiyear project shall be awarded as annual grants.

(3) The commission shall interact only with an applicant agency on questions related to a grant application.

(4) A current or former commission member shall not be paid with grant funds to

participate in a commission-funded program that was awarded while the commission member held office; however, a member may be reimbursed for actual expenses.

R 18.14907 Nondiscrimination.

Rule 907. (1) A government unit receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status in violation of 1976 PA 453, MCL 37.2101.

(2) A government unit receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position in violation of 1976 PA 220, MCL 37.1101.

(3) Upon certification of the Michigan civil rights commission that a violation of subrule (1) or (2) of this rule has occurred, a government unit's right to receive money under the act may be suspended, terminated, or conditioned in any appropriate way that is consistent with the circumstances of the case.

R 18.14908 Compliance with rules.

Rule 908. Failure to comply with the provisions of these rules may result in the denial of funds by the commission.

R 18.14909 Travel regulations.

Rule 909. Allowable expenses for travel shall conform to the rates and conditions approved by the commission. The approved rates shall not exceed the approved travel rates for state of Michigan civil service employees.

R 18.14910 Requirements; registration of courses; reporting training and expenditures.

Rule 910. (1) Justice training funds may be expended only for in-service training courses that are registered, pursuant to R 28.14501, et seq., in the MCOLES information and tracking network.

(2) An expenditure of justice training funds shall be reported to the commission, consistent with R 28.14501, et seq., as follows:

(a) Attendance and all associated costs for training funded in whole or part with justice training funds, except as provided in subrule (2)(b) of this rule.

(b) Expenditures solely for equipment or supplies in support of training shall be reported separately.